

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

06 - 20523

CR-MIDDLEBROOKS

Case No.

18 U.S.C. § 286

18 U.S.C. § 641

18 U.S.C. § 1030(a)(2)(B)

MAGISTRATE JUDGE

BROWN

UNITED STATES OF AMERICA

vs.

CARLOS BARKER,
FRANCISCO CASTRO,
MIGDALIA INTERIAN,
MIGUEL INTERIAN,
YOANKA INTERIAN,
LUCAS JIMENEZ,
and
ROLANDO MORALES,

Defendants.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

1. The Social Security Administration ("SSA") provides disability benefits through two programs: the Social Security disability insurance program and the Supplemental Security Income ("SSI") program.
2. Benefits are paid to people who cannot work because they have a medical condition that is expected to last at least one year or result in death.
3. Individuals can apply for disability benefits either on-line or by calling the toll-free number to make an appointment to file a claim. The information that must be provided is: (1) a social security number; (2) a birth or baptismal certificate; (3) names, addresses and phone numbers

of the doctors, caseworkers, hospitals and clinics that provided them with service; (4) names and dosage amounts of all medicine they are currently taking; (5) medical records that are in their possession; (6) lab and test results; (7) a summary of where they worked and the type of work they performed; and, ^{(8) ~~bring~~ (3-24-01)} a copy of their most recent W-2 Form or federal tax return.

4. Family members of the disabled worker are eligible to receive money from SSA, as long as they are: (1) a spouse of age 62 or older; (2) a spouse of any age if he/she is caring for a child of the disabled who is younger than 16 years of age or disabled as well; (3) an unmarried child (under the age of 18 or under the age of 19 if they are in elementary or secondary school full time) of the disabled, including an adopted child, and in some cases, a stepchild or grandchild; and, (4) a child of the disabled, age 18 or older, who also has a disability that began before age 22.

5. Once an application is received, it is reviewed to ensure the person has worked enough years to qualify for benefits. SSA also evaluates any current work activities the individual may be involved in.

6. The application is then sent to the Disability Determination Services ("DDS") office in the state the individual resides. DDS is a state agency that SSA subcontracts to perform disability determinations. A representative from the office contacts the doctors for information regarding the condition of the disabled individual and when treatment began. They inquire about the individuals' ability to perform work-related activities that entail, among other things, walking, lifting, and carrying.

7. The decision to provide disability benefits relies upon whether: (1) a person is working; (2) if their medical condition is considered to be severe (meaning it significantly limits their ability to do basic work activities); (3) whether their medical condition is on the List of

Impairments (if not, the agency looks to see if the severity of their condition meets or equals that of the listed impairments); (4) if the person is able to perform the work they did before; and, (5) are they able to do any other type of work. Once the decision has been made to provide benefits, the amount is determined based upon the individuals' average lifetime earnings which is listed on their annual Social Security Statement.

8. Benefits Consultants of Florida ("BCF") was a Florida corporation involved in the preparation of applications for SSI disability benefits, with its principal place of business at 30620 SW 154th Avenue, Miami, FL 33088 and with its mailing address at P.O. Box 816485, Hollywood, Florida.

9. Defendant **CARLOS BARKER**, during and at all times relevant to this indictment was employed by DDS, a state agency that made disability determinations on behalf of SSA.

10. Defendant **MIGDALIA INTERIAN** was a resident of Miami-Dade County, Florida and was the registered agent/director of BCF.

11. Defendant **YOANKA INTERIAN** was a resident of Miami-Dade County, Florida and was the president of BCF.

COUNT 1

1. Paragraphs 1 through 11 of the General Allegations section of this Indictment are realleged and incorporated herein by reference.

2. From in or about December 1994, the exact date being unknown to the Grand Jury, and continuing through in or about April 2005, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**CARLOS BARKER,
FRANCISCO CASTRO,
MIGDALIA INTERIAN,
MIGUEL INTERIAN,
YOANKA INTERIAN,
LUCAS JIMENEZ,
and
ROLANDO MORALES,**

did willfully, that is, with the specific intent to further the unlawful purpose, and knowingly combine, conspire, confederate and agree with each other and with others, known and unknown to the Grand Jury, to commit certain offenses against the United States, that is, to defraud the Social Security Administration ("SSA"), an agency of the United States, by obtaining and aiding to obtain the payment of materially false, fictitious, and fraudulent disability insurance benefits from the SSA, in violation of Title 18, United States Code, Section 286.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for the defendants and their co-conspirators to unjustly enrich themselves by causing the preparation and filing of fraudulent applications for disability insurance benefits with the SSA that contained false statements and representations of material facts in order to obtain disability insurance benefits on behalf of applicants who were not entitled to receive such assistance.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the purpose and object of the conspiracy included, among others, the following:

4. Defendants, **YOANKA INTERIAN**, **MIGDALIA INTERIAN**, and other co-conspirators recruited beneficiaries on whose behalf fraudulent applications for SSI benefits containing false statements and representations of material facts were to be prepared and filed.

5. Defendants, **YOANKA INTERIAN**, **MIGDALIA INTERIAN**, and **CARLOS BARKER** prepared fraudulent applications for SSI benefits which contained the name and address of either fictitious physicians, or actual physicians which had never examined the named beneficiaries.

6. Defendants, **YOANKA INTERIAN**, **MIGDALIA INTERIAN**, and **CARLOS BARKER** included in the applications fake medical records for the named beneficiary.

7. Defendants, **CARLOS BARKER**, **FRANCISCO CASTRO**, **MIGDALIA INTERIAN**, and **YOANKA INTERIAN**, would retain the initial portion of the SSI benefit, otherwise known as the "retro check," as payment for fraudulently obtaining SSI benefits.

8. Defendants, **FRANCISCO CASTRO**, **MIGDALIA INTERIAN**, **MIGUEL INTERIAN**, **LUCAS JIMENEZ**, and **ROLANDO MORALES**, are recruited "beneficiaries" who enriched themselves by fraudulently receiving the monthly SSI benefits from the SSA that had been obtained by the use of false statements and representations of material facts contained in the applications they signed as true and correct.

9. Defendants, **YOANKA INTERIAN**, **MIGDALIA INTERIAN**, and **CARLOS BARKER** used BCF's mailing address, P.O. Box 816485, Hollywood, Florida, as the office address for the fictitious physicians, or actual physicians listed on the fake medical records contained in the fraudulent applications for SSI benefits.

OVERT ACTS

In furtherance of the conspiracy and to achieve the object thereof, at least one of the co-conspirators committed and or caused to be committed, in the Southern District of Florida and elsewhere, at least one of the following overt acts, among others:

a. On or about January 9, 1995, defendant **MIGDALIA INTERIAN** signed her false application for disability insurance benefits from the SSA.

b. On or about January 2, 1996, **MIGDALIA INTERIAN** opened a Post Office Box for BCF at P.O. Box 816485, Hollywood, Florida.

c. On or about January 29, 1996, defendant **ROLANDO MORALES** signed his false application for disability ~~insurance~~ benefits from the SSA. *SSI [Signature] (8-24-00)*

d. On or about April 17, 1997, defendant **FRANCISCO CASTRO** signed his false application for disability insurance benefits from the SSA.

e. On or about September 16, 1997, defendant **MIGUEL INTERIAN** signed his false application for disability insurance benefits from the SSA.

f. On or about September 16, 1999, defendant **LUCAS JIMENEZ** signed his false application for disability insurance benefits from the SSA.

g. On or about On April 29, 2005, defendants **CARLOS BARKER** and **MIGDALIA INTERIAN** possessed copies of false applications for disability insurance benefits from the SSA.

All in violation of Title 18, United States Code, Section 286.

COUNTS 2-26

1. Paragraphs 1 through 11 of the General Allegations section of this Indictment are realleged and incorporated herein by reference.

2. On or about the dates set forth below by Count, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants, listed below as to each Count, did knowingly and willfully, steal, purloin, and convert to their own use money of the United States and a department or agency, the aggregate amount of which exceeded \$1,000.00, that is, Social Security Disability Insurance payments, to which they were not entitled:

Count	Defendant	Description of Benefit	Date of Payment	Amount of Payment
2	FRANCISCO CASTRO	Social Security Disability Insurance Benefits and Auxiliary Benefits to wife & son	2/3/05	\$888.00
3	FRANCISCO CASTRO	Social Security Disability Insurance Benefits and Auxiliary Benefits to wife & son	3/3/05	\$888.00
4	FRANCISCO CASTRO	Social Security Disability Insurance Benefits and Auxiliary Benefits to wife & son	4/1/05	\$888.00

Count	Defendant	Description of Benefit	Date of Payment	Amount of Payment
5	FRANCISCO CASTRO	Social Security Disability Insurance Benefits and Auxiliary Benefits to wife & son	5/3/05	\$888.00
6	FRANCISCO CASTRO	Social Security Disability Insurance Benefits and Auxiliary Benefits to wife & son	6/3/05	\$888.00
7	MIGDALIA INTERIAN	Social Security Disability Insurance Benefits and Auxiliary Benefits to two children	5/3/05	\$771.00
8	MIGDALIA INTERIAN	Social Security Disability Insurance Benefits and Auxiliary Benefits to two children	6/3/05	\$771.00
9	MIGDALIA INTERIAN	Social Security Disability Insurance Benefits and Auxiliary Benefits to two children	7/1/05	\$771.00

Count	Defendant	Description of Benefit	Date of Payment	Amount of Payment
10	MIGDALIA INTERIAN	Social Security Disability Insurance Benefits and Auxiliary Benefits to two children	8/3/05	\$771.00
11	MIGDALIA INTERIAN	Social Security Disability Insurance Benefits and Auxiliary Benefits to two children	8/3/05 9/3/05 (2 months) 5-24-06	\$771.00
12	MIGUEL INTERIAN	Social Security Disability Insurance Benefits	3/3/04	\$525.00
13	MIGUEL INTERIAN	Social Security Disability Insurance Benefits	4/2/04	\$525.00
14	MIGUEL INTERIAN	Social Security Disability Insurance Benefits	5/3/04	\$525.00
15	MIGUEL INTERIAN	Social Security Disability Insurance Benefits	6/3/04	\$525.00
16	MIGUEL INTERIAN	Social Security Disability Insurance Benefits	8/2/04	\$1,203.20

Count	Defendant	Description of Benefit	Date of Payment	Amount of Payment
17	LUCAS JIMENEZ	Social Security Disability Insurance Benefits	4/1/05	\$921.00
18	LUCAS JIMENEZ	Social Security Disability Insurance Benefits	5/3/05	\$921.00
19	LUCAS JIMENEZ	Social Security Disability Insurance Benefits	6/3/05	\$921.00
20	LUCAS JIMENEZ	Social Security Disability Insurance Benefits	7/1/05	\$921.00
21	LUCAS JIMENEZ	Social Security Disability Insurance Benefits	8/3/05	\$921.00
22	ROLANDO MORALES	Supplemental Security Income Disability Benefits	5/1/05	\$579.00
23	ROLANDO MORALES	Supplemental Security Income Disability Benefits	6/1/05	\$579.00
24	ROLANDO MORALES	Supplemental Security Income Disability Benefits	7/1/05	\$579.00

Count	Defendant	Description of Benefit	Date of Payment	Amount of Payment
25	ROLANDO MORALES	Supplemental Security Income Disability Benefits	8/1/05	\$579.00
26	ROLANDO MORALES	Supplemental Security Income Disability Benefits	9/1/05	\$579.00

In violation of Title 18, United States Code, Section 641.

COUNTS 27-31

On or about the dates set forth below, in the Southern District of Florida, and elsewhere, the defendant,

CARLOS BARKER,

intentionally accessed a computer, in a manner that exceeded his authorized access and thereby obtained information regarding applications for Social Security Disability or Supplemental Security Income benefits for the applicant listed below, from any department or agency of the United States, that is, the Social Security Administration ("SSA"):

Count	SSA Disability Benefits Applicant	Date
27	Julia Del Toro	4/30/04
28	Mustafa Hamid	8/23/04
29	Leticia Hamid	8/23/04
30	Lucas Jimenez	9/10/04
31	Tamara Fernandez	11/19/04

In violation of Title 18, United States Code, Section 1030(a)(2)(B).

CRIMINAL FORFEITURE

Upon conviction of any of the violations alleged in Counts 2-26 of this indictment, the defendants **FRANCISCO CASTRO, MIGDALIA INTERIAN, MIGUEL INTERIAN, LUCAS JIMENEZ**, and **ROLANDO MORALES**, shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the violations.

Pursuant to Title 28, United States Code, Section 2461, Title 18, United States Code, Section 981(a)(1)(C), and Title 21, United States Code, Section 853.

If the property described above as being subject to forfeiture, as a result of any act or omission of the defendants **FRANCISCO CASTRO, MIGDALIA INTERIAN, MIGUEL INTERIAN, LUCAS JIMENEZ**, and **ROLANDO MORALES**,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property and, in addition, to require said defendant to return any such property to the jurisdiction of the court for seizure and forfeiture.

All pursuant to Title 28 United States Code, Section 2461, Title 18, United States Code, Section 981(a)(1)(C), and Title 21 United States Code, Section 853.

Upon conviction of any of the violations alleged in Counts 27-31, defendant **CARLOS BARKER** shall forfeit to the United States any and all property, real and personal, involved in the aforesaid offenses and all property traceable to such property.

Pursuant to Title 18, United States Code, Section 982(a)(2).

If the property described above as being subject to forfeiture, as a result of any act or omission of the defendant **CARLOS BARKER**,

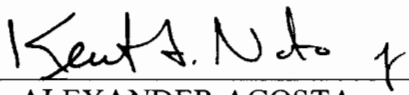
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property and, in addition, to require said defendant to return any such property to the jurisdiction of the court for seizure and forfeiture.

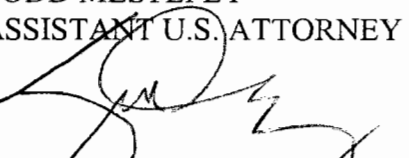
All pursuant to Title 18 United States Code, Section 982 and Title 21 United States Code,
Section 853.

A TRUE BILL


FOREPERSON


R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY


TODD MESTEPEY
ASSISTANT U.S. ATTORNEY


SCOTT RAY
ASSISTANT U.S. ATTORNEY